

chefs collaborative

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FAX: 2 pages

November 28, 2007

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS, USDA
1400 Independence Avenue, S.W.
STOP 0237
Washington, DC 20250-0237

Dear USDA Agricultural Marketing Service:

RE: [Docket No. AMS-FV-07-0090; FV07-962-1 AN]
pages: 56678 - 56680, Federal Register/Vol. 72, No. 192/Thursday, October 4,
2007/Proposed Rules.

Thank you for the opportunity to comment on the proposed federal rules for leafy greens. I represent Chefs Collaborative, a national nonprofit organization representing chefs, farmers and artisan producers dedicated to promoting the availability of food procured from responsible and sustainable sources.

Q. (1) I am opposed to the use of Marketing Orders or Marketing Agreements for food safety purposes. I am particularly opposed to an arrangement where a board of handlers and processors is given government-sanctioned control over farming practices on every farm in the country.

Q. (7) Neither the FDA guidelines nor the California Leafy Green Marketing Agreement (LGMA) metrics are appropriate for most family farms and they are hostile to many organic farming practices. I am concerned that the science needed to make effective rules regarding the spread of pathogens such as *E. coli* 0157:H7 is inadequate and making blanket rules is premature and costly. There have already been two recalls involving signatories of the LGMA, showing that their "Good Agricultural Practices" do not solve the problem of *E. coli* 0157:H7 contamination. The LGMA metrics discriminate against certain types of biological farming and wildlife practices with no scientific justification. I urge you to take biological practices into consideration in any proposed rules, since such things as wetlands and microbial diversity in soil have been found to reduce pathogens.

Q. (8) I believe that the USDA should limit the definition of leafy greens it is seeking to regulate to the high-risk, "fresh-cut" bagged salad products, and not include traditional whole leafy greens. The current definition of leafy greens in the proposed regulations includes produce that

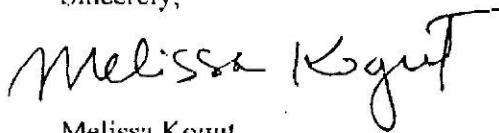
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has never been implicated in an outbreak such as chard, arugula and kale. The vast majority of growers sell to the whole fresh market and have never been implicated in an outbreak or recall. According to data from the US Food and Drug Administration, since 1999, 98.5 percent of *E. coli* 0157:H7 illnesses from leafy greens in California have been traced to fresh-cut salad in California. Traditional fresh market growers should not be regulated by rules designed for large-scale suppliers of the fresh-cut processing industry.

Q.(10) To comply with the California LGMA metrics would cost farmers tens of thousands of dollars. The water testing requirements are particularly onerous and excessive in many watersheds where pathogens are not widespread. Large growers have the personnel and resources to comply with such requirements and smaller family farms do not. If the USDA implements such rules for all leafy greens growers, it will drive many small and organic farms out of the leafy greens market and destroy the local food systems that the agency has been encouraging across the country.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Melissa Kogut". The signature is fluid and cursive, with the first name "Melissa" and last name "Kogut" clearly distinguishable.

Melissa Kogut
Executive Director